IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO :16212 of 2006

Dated 19TH OCTOBER, 2006

Between

C.Badrinathacharyulu
....Petitioner

and

The Commissioner of Endowments,
Government of AP, Hyderabad and ors

...Respondents

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 16212 of 2006

ORDER:

Though interlocutory matters are listed for hearing, with the consent of learned Counsel appearing on both sides, the Writ Petition is taken up for consideration and is being disposed of by this order.

The petitioner was working as *Mukhya Archaka* in Sri Veera Hanuman Temple of third respondent institution. He was placed under suspension pending departmental enquiry vide proceedings dated 28-12-2005.

In this Writ Petition, the petitioner has questioned the order dated 9-12-2005 in proceedings Rc.N o.V4/2692/2005 passed by the

Commissioner of Endowments, and, the order dated 21-12-2005 in proceedings Rc.No.23/2004 passed by the third respondent, Executive Officer of the temple. On the ground that the petitioner is involved in running mobile sex parlour, attracting the offence under the provisions of Immoral Traffic Prevention Act 1956, he is placed under suspension. Earlier, there was an order of suspension passed by the Commissioner of Endowments against the petitioner, which was questioned before this Court in Writ Petition No. 12882 of 2005. On the ground of jurisdiction, during the pendency of the said Writ Petition, the Commissioner of Endowments had passed order dated 9-12-2005 cancelling the earlier order of suspension, and directed the Executive Officer of the Temple to take action as per the provisions under A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (Act 30/87). Thereafter, further order dated 21-12-2005 was passed by the Executive Officer of the third respondent temple, placing the petitioner under suspension pending enquiry into the alleged charges against him.

It is submitted by the learned Counsel for the petitioner that the order of suspension dated 21-12-2005 is passed pursuant to the directions issued by the Commissioner, who is not the competent authority. It is further submitted that the competent authority to pass order of suspension is third respondent, who has not applied his mind on his own, and, passed impugned order pursuant to the directions issued by the Commissioner.

The submission of the learned counsel for the petitioner, that the third respondent passed impugned order of suspension pursuant to the directions of the first respondent, cannot be accepted on the ground that the Commissioner of Endowments vide proceedings dated 9-12-2005 directed the third respondent to take action as per the provisions of the Act 30/87. Further, it is to be seen, the petitioner is the

Mukhya Archaka of the temple and the charges framed against him are serious. In that view of the matter, I do not find any ground to interfere with the order of suspension, which is passed as an interim measure pending enquiry into the charges framed against the petitioner. Therefore, I dispose of the Writ Petition directing the respondents to complete the enquiry and pass final order within a period of four months from the date of receipt of a copy of this order.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 19-10-2006
Msnr.